

PATENT  
Docket No. 6263.N

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Finzel et al. ) Group Art Unit: 1631  
Serial No.: 09/847,670 ) Examiner: C. Smith  
Confirmation No.: 4815 )  
Filed: May 2, 2001 )  
For: HEPATITIS C VIRUS HELICASE CRYSTALS, CRYSTALLOGRAPHIC  
STRUCTURE AND METHODS

#8  
Plunkett  
10/17/02

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed September 16, 2002, Applicants elect, with traverse, Group IX (claims 38-43), drawn to a crystalline Hepatitis C virus helicase and inclusive composition. Applicants' Representatives reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration of the restrictions in this case and submit that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. Specifically, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement between Group IX, Group VIII (claims 31-37), and Group XI (claims 47-48). Applicants respectfully submit that claims drawn to crystalline compositions (e.g., Group IX), methods of crystallizing compositions (e.g., Group VIII), and methods of using crystalline compositions (e.g., Group XI) are so related that they can be most efficiently examined and prosecuted in one group.

In the event that the restriction requirement is reconsidered and Group VIII is rejoined with Group IX, the Examiner has required Applicants to elect a single disclosed species for Group VIII pursuant to 35 U.S.C. §121 for prosecution on the merits and to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants hereby elect Species A, Hepatitis C virus helicase alone, with traverse. It is respectfully submitted that claims 1-31, 35, and 37-48 are generic to the elected species, as each of the claims includes

**Response to Restriction Requirement**

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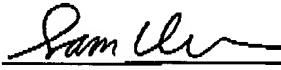
within its scope more than one species. With respect to Group VIII (claims 31-37), claims readable on the elected species include claims 31, 35, and 37. Further, Applicants note that the claims included in Groups I-VII and IX-XI (e.g., claims 1-30 and 38-48) also read on the elected species.

Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if there are any questions regarding this Response or if prosecution of this application may be assisted thereby.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on this 16th day of OCTOBER, 2002, at 11:06 am (Central Time).



Name: Sam Her

October 16, 2002

Date

Respectfully submitted for  
**Finzel et al.**By  
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26813

PATENT TRADEMARK OFFICE

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GROUP 1600

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Facsimile Transmission to the PTO

Assistant Commissioner for Patents  
 Attn: Examiner Carolyn L. Smith  
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By:

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October 16, 2002

Date

Signatures: Sam Her

Name: Sam Her

If you do not receive all pages, please contact us at (612)305-1220 (ph) or (612)305-1228 (fax).

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